

Message Text

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UNCLAS ROME 11439

E.O. 11652: N/A
TAGS: CDES IT (PEARSON FREDERICK)
SUBJ: DEATHS & ESTATE FREDERICK PEARSON

REF: PARIS 20125

1. PLEASE PASS FOLLOWING MESSAGE TO MRS.DAPHNE SEIDLER:
2. THE AMERICAN EMBASSY ROME HAS BEEN INFORMED BY ATTORNEY DI GIOACCHINO (PIAZZA AUGUSTO IMPERATORE 22, ROME TEL. 678-4191) THAT MRS.MARIA ALBERTA LOMBARDO RUSCIANO IS THE LEGAL OWNER OF THE APARTMENT WHERE YOUR BROTHER LEFT HIS FURNITURE. ON MAY 5, 1972 MRS.RUSCIANO RENTED ONE ROOM WITH BATH OF HER APARTMENT TO YOUR BROTHER'S LAWYERS,JAMES R.CHERRY AND JAMES E.ARMSTRONG, UNDER THE AGREEMENT THAT (A) LEASE WOULD EXPIRE DEC. 31, 1992 AND (B) TENANTS WOULD HAVE THE RIGHT TO SUBLET ROOM TO THIRD UNKNOWN PARTIES.
3. ATTORNEY DI GIOACCHINO PROVIDED THE EMBASSY WITH COPY OF LEASE AND FURTHER STATED THAT MRS.RUSCIANO IS ALMOST NEVER AT HER APARTMENT IN VIA CASTERL S. ELIA 26.
3. BECAUSE OF PAST DIFFICULTIES ENCOUNTERED BY ATTORNEY DI GIOACCHINO IN SETTLING MR.PEARSON'S LEGAL AFFAIRS WITH MRS. RUSCIANO ON BEHALF OF HIS ATTORNEYS AND ON ASSUMPTION THAT SHE MIGHT STILL BE INTERESTED IN MR.PEARSON'S PROPERTY, ATTORNEY IS UNCLASSIFIED

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OF THE OPINION THAT CONSULAR ACTION TOTAKE CUSTODY OF ESTATE BE COORDINATED WITH LOCAL AUTHORITIES.

4. THE EMBASSY THEREFORE CONTACTED LOCAL POLICE AND JUDICIAL AUTHORITIES. THEY BOTH STATED THAT FAILING LEGAL EVIDENCE SHOWING THAT MRS.RUSCIANO HOLDS IN HER APARTMENT MR.PEARSON'S PROPERTY CONSULAR OFFICER IS NOT IN A POSITION TO OFFICIALLY INTER

VENE TO PROTECT ESTATE. IN VIEW OF THESE LEGAL IMPLICATIONS
AUTHORITIES SUGGESTED THE FOLLOWING ACTION: (A) HAVE NEXT OF
KIN (NOK) PETITION LOCAL PREOTRE (A JUDGE OF LOWER COURT)
TO EAL ROOM AND BATHROOM OCCUPIED BY MR. PEARSON. PETITION
SHOULD BE EXECUTED BEFORE AN ITALIAN CONSUL ABROAD IN THE ITALIAN
LANGUAGE AND SHOULD CONTAIN ALL DETAILS CONCERNING NOK'S KNOW
LEDGE THAT DECEDENT'S ESTATE IS IN THE ROOM LEGALLY LEASED TO
ATTORNEYS CHERRY AND AMSTRONG.

(B) PETITION SHOULD BE SUPPORTED BY AN AFFIDAVIT OF NOK EXECUTED
IN ITALIAN BEFORE THE ITALIAN CONSUL AND IN THE PRESENCE OF
FOUR WITNESSES ACQUAINTED WITH THE AFFIANT.

(C) BOTH THE PETITION ADDRESSED TO THE PRETORE AND THE AFFIDAVIT
OF NOK SHOULD BE MAILED WITHER DIRECTLY TO THE PRETURA OF
ROME, ITALY TOGETHER WITH LIRE 25,000 TO COVER THE PERTINENT
FEES, OR TO A LAWYER IN ROME.

(D) ON RECEIPT OF THE NOK'S PETITION THE LOCAL JUDGE WILL
PROMPTLY SEAL THE ROOM WITH OR WITHOUT MRS.RUSCIANO'S PERMISSION.

(E) THE PROCEDURE DESCRIBED IN (A) THROUGH (C) COULD OF COURSE
BE ACCOMPLISHED DIRECTLY BY YOU IN ROME SHOULD YOU DESIRE TO
TRAVEL HERE.

5. IN SUMMARY, IT APPEARS UNDER LOCAL LAW THAT THE ROME CONSULAR
OFFICER IS NOT IN A POSITION TO COMPLY WITH HIS STATUTORY
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OBLIGATIONS TO PROTECT THE ESTATE OF YOUR BROTHER NOR HAS HE
ANY POSSIBILITY OF OBTAINING OTHER ASSISTANCE FROM THE LOCAL
AUTHORITIES. HE MAY, HOWEVER, ASSIST YOU AS MUCH AS HE CAN IN
THIS AND IN OTHER MATTER.GARDNER

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